

205.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.659 of 2015 (O&M)

Date of decision: 24.12.2015

Smt. Bimla Devi and others

... Appellants

versus

Divya Singh Sindhya and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sandeep Lather, Advocate,
for the appellants.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The appeal is for enhancement of claim for compensation for death of a male said to be aged 42 years. The claimants were wife and two major sons. The court took the age on the basis of the age as given in the pan card and discarded the age as stated by the petitioner as 42. The ground urged is that the age as given in the ration card must have been taken. I will not give the benefit of alteration only because the age as entered by the IT authority must obtain for greater credibility than what is generally understood as an approximation in a ration card. The other argument

is that the provision for future increase has not been provided for. The person, who is aged above 50 years, there is no scope for consideration of a further increase unless there was very strong evidence offered. Considering the nature of admission that there was a further prospect of increase, **Sarla Verma Versus Delhi Transport Corporation and another-2009(6) SCC 121** allows for provision for increase upto 40 years at 50% and between 40 to 50 years at 30%. The further prospect of increase is not provided only because a relatively higher value of multiplier as 11 and 9 respectively between 50-55, 56-60 respectively is provided irrespective of the fact that the number of years of service is even less than the value of the multiplier. I cannot, therefore, find any error in the Tribunal not providing for further provision of increase.

2. The Tribunal has provided under notional heads ₹1 lakh for loss of consortium, ₹50,000/- to each of the major sons and overall, consideration of compensation has been adequate and fair and I will not find any reason to interfere with the same. The appeal is dismissed.

(K.KANNAN)
JUDGE

24.12.2015
sanjeev